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COCOM Document No. 2869.86

5 mars 1959MEMORANDUM FROM UNITED STATES DELEGATIONCONCERNINGEXCEPTIONS PROCEDURES*General*

Reference: Secretariat Paper No. 104

A. This memorandum has been prepared pursuant to the Chairman's recommendation that suggestions on the referenced document be placed before the Committee in writing prior to resumption of the discussions on exceptions procedures. The proposals and views that follow are based on various elements of the original United States proposals (COCOM Document 2869.5, Annex D) and on subsequent instructions the United States Delegation has received from Washington.

## B. Proposals:

1. Insert as Introduction to the referenced document, the following:

The exceptions procedures and administrative principles contained herein are intended to be applied in such a way as to (a) preserve and promote the uniformity and unanimity that are fundamental to effective multilateral cooperation in the security control of trade with the Sino-Soviet Bloc, and (b) avoid such exports and provision of technological data and services to the Bloc as would frustrate or be inconsistent with the multilaterally agreed controls.

2. Re paragraph 2:

a. In line 3, substitute for "such" the words "commitments or proposals to make".

b. Add to this paragraph the following:

"Where Committee agreement is given for an exception, it applies only to the individual transaction considered by the Committee. COCOM agreement must be obtained individually for each new exception."

3. a. In paragraph 13(a), fill blank with "150".

b. In paragraph 13(b), fill first blank with "150" and remaining two blanks with "28".

c. Re "de minimis" cases, it is the United States view, as the Committee is aware, that for selected List I items prior consultation should apply regardless of the value of the shipment. See paragraph 6 d below.

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4. a. In paragraph 14(a), fill blank with "1,500".  
b. In paragraph 14(b), fill blanks with "28".
5. a. In paragraph 15(a), fill first blank with "1,500" and second blank with "14".  
b. In paragraph 15(b), fill first blank with "1,500" and remaining two blanks with "28".
6. a. In paragraph 16(a), fill blank with "150".  
b. Re paragraph 16(b), the United States Delegation understands this to mean that the only exception procedure applicable to Munitions List items is the accident-of-definition (paragraph 15) procedure (with all such exceptions subject to prior consultation).  
c. In paragraph 16(c), fill blank with "15". The United States considers that only the accident-of-definition (paragraph 15) procedure should apply to Atomic Energy Items (with all such exceptions subject to prior consultation).  
d. In paragraph 16(d), strike the words "transferred to List I from the Atomic Energy List". (See paragraph 3 c, above.) A list of the items to which the United States believes the general value cut-off should not apply will be submitted shortly. (The list to be inserted here should of course include the former Atomic Energy List items to which paragraph 16(d) refers.)

C. The United States favors the ultimate production of a single document embracing, in addition to the matters covered in the referenced document, the customs processing procedure (on which the United States has submitted a proposal), the existing special Polish exceptions policy, and the Administrative Principles.

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*Changes have been passed*